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10/577,610	09/25/2006	Simcha Gendelman	4529/97323	5371

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EXAMINER	
KANERVO, VIRPI H	
ART UNIT	PAPER NUMBER
3691	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/577,610	GENDELMAN, SIMCHA	
	Examiner	Art Unit	
	Virpi H. Kanervo	3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-19 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 27 April 2006 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 04/27/2006 and 08/11/2006.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under § 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 14-15, and 18, are rejected under 35 U.S.C. § 102(e) as being anticipated by Knox (2002/0194122 A1).

As to claim 1, Knox shows issuing, by a prepaid card issuer, a multiplicity of prepaid cards (page 1, ¶ 17 and page 2, ¶ 18: where singular elements may be in plural, *i.e.* prepaid card is multiplicity of prepaid cards), each bearing prepaid card identification indicia (Fig. 1, labels 105 and 106: where the prepaid card bears biological identifier); inputting the prepaid card identification indicia of a prepaid card into a point of sale terminal (Fig. 1, labels 105, 106, 110, and 111);

communicating said prepaid card identification indicia from the point of sale terminal to a remote server to validate said prepaid card (Fig. 1, labels 110, 111, and 150; and page 2, ¶ 18: where the financial processor receives a transaction request from the consumer point of sale and attributes it to the account with information provided by prepaid card); and upon receipt of acceptable validation from said remote server, processing a prepaid card transaction using the prepaid card as a credit card transaction employing a credit card account associated with said prepaid card issuer (page 2, ¶ 18: where the prepaid card is a credit card, and thus a credit card account is associated with the prepaid card issuer).

As to claim 2, Knox shows all the elements of claim 1 and that said processing a prepaid card transaction includes: providing credit card identification indicia for said credit card account (page 3, ¶ 33: where when a purchase is made at a consumer point of sale, the customer's biological identifier is determined and the transaction is authorized if the biological identifier matches the biological identifier received at the time of deposit); and charging said credit card account, identified by said credit card identification indicia, for the amount of said prepaid card transaction (page 2, ¶ 18: where if the account balance is sufficient to fund the transaction, then the transaction is authorized; and where the prepaid card is a credit card, thus the credit card account is charged).

As to claim 3, Knox shows all the elements of claim 2 and that said credit card account corresponds to at least a plurality of said multiplicity of prepaid cards (page 1, ¶ 17: where singular elements may be in plural, *i.e.* prepaid card is a plurality of the multiplicity of prepaid cards, and page 2, ¶ 18: where the prepaid card is a credit card, and thus a credit card account corresponds to a plurality of the multiplicity of prepaid cards).

As to claim 4, Knox shows all the elements of claim 2 and that said credit card identification indicia is stored at said point of sale terminal (Fig. 1, labels 110 and 111).

As to claim 5, Knox shows all the elements of claim 4 and that said credit card identification indicia is accessed at said point of sale terminal using said prepaid card identification indicia (Fig. 1, labels 105, 106, 110, and 111).

As to claim 6, Knox shows all the elements of claim 2 and that said credit card identification indicia is stored at said remote server (Fig. 1, labels 110, 111, and 150; and page 2, ¶ 18: where the financial processor receives a transaction request from the consumer point of sale and attributes it to the account with information provided by prepaid card).

As to claim 7, Knox shows all the elements of claim 6 and that said credit card identification indicia is accessed at said remote server using said prepaid card identification indicia (Fig. 1, labels 110, 111, and 150; and page 2, ¶ 18: where the financial processor receives a transaction request from the consumer point of sale and attributes it to the account with information provided by prepaid card).

As to claim 8, Knox shows all the elements of claim 1 and that said inputting comprises reading said identification indicia (page 2, ¶ 18: where transaction validation is done by signature verification, and since the verification system needs to read the signature, this constitutes reading the identification indicia).

As to claim 9, Knox shows all the elements of claim 1 and that said inputting comprises keying in said identification indicia (page 2, ¶ 18: where transaction validation is done by entry of a PIN, which is keying in identification indicia).

As to claim 10, Knox shows all the elements of claim 1 and that said acceptable validation comprises balance information (page 2, ¶ 18: where if the account balance is sufficient to fund the transaction, then the transaction is authorized).

As to claim 11, Knox shows an input device operative to receive prepaid card identification indicia from a prepaid card issued by a prepaid card issuer (Fig. 1, labels 105, 106, 110 and 111); and a processor, operative to process a prepaid card transaction using the prepaid card as a credit card transaction employing a credit card account associated with said prepaid card issuer (Fig. 1, label 150; and page 2, ¶ 18: where the financial processor receives a transaction request from the consumer point of sale and attributes it to the account with information provided by prepaid card; and where the prepaid card is a credit card, and thus a credit card account is associated with the prepaid card issuer).

As to claim 14, Knox shows all the elements of claim 11 and that said processor is operative to verify acceptable validity of said prepaid card prior to processing said prepaid card transaction (page 2, ¶ 18: where the financial processor receives a transaction request from the consumer point of sale and attributes it to the account with information provided by prepaid card).

As to claim 15, Knox shows all the elements of claim 11 and that said processor is operative to verify a balance associated with said prepaid card prior to processing said prepaid card transaction (page 2, ¶ 18: where if the account balance is sufficient to fund the transaction, then the transaction is authorized).

As to claim 18, Knox shows all the elements of claim 11 and that said processor is operative to identify said credit card account by credit card identification indicia and to charge said credit card account for the amount of said prepaid card transaction (Fig. 1, label 150; and page 2, ¶ 18: where the financial processor receives a transaction request from the consumer point of sale and attributes it to the account with information provided by prepaid card; and where the prepaid card is a credit card, and thus a credit card account is charged).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 12-13, 16-17, and 19, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knox in view of Wu (2003/0046249 A1).

As to claim 12, Knox shows all the elements of claim 11. Knox does not show that said input device is a card reader. Wu shows that said input device is a card reader (Wu: page 3, ¶ 34). It would have been obvious to one of ordinary skill in

the art at the time of the invention to have modified the system of Knox by said input device being a card reader of Wu in order to provide means for reading the data contained on the prepaid card (Wu: page 3, ¶ 34).

As to claim 13, Knox shows all the elements of claim 11. Knox does not show that said input device is a keyboard. Wu shows that said input device is a keyboard (Wu: page 3, ¶ 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Knox by said input device being a keyboard of Wu in order to permit the customer to input information concerning the purchase of the prepaid card (Wu: page 3, ¶ 34).

As to claim 16, Knox shows all the elements of claim 11. Knox does not show a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card. Wu shows a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card (Wu: page 3, ¶ 34). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Knox by a communicator, operative to communicate said prepaid card identification indicia to a remote server to determine validity of said prepaid card of Wu in order to permit the network interface device of the terminal to communicate and connect with authorized

remote servers located on the global communications network such as Internet (Wu: page 3, ¶ 34).

As to claim 17, Knox shows all the elements of claim 16. Knox does not show that said remote server is operative to communicate a balance in said prepaid card, via said communicator, to said terminal. Wu shows that said remote server is operative to communicate a balance in said prepaid card, via said communicator, to said terminal (Wu: Fig. 2; and page 4, ¶¶ 40-41: where the central billing server is adapted for maintaining and updating the account records and statuses).

As to claim 19, Knox shows all the elements of claim 18. Knox does not show a storage device for storing said credit card identification indicia. Wu shows a storage device for storing said credit card identification indicia (Wu: page 3, ¶ 34: where the Radius server prompts for a username and a password from the terminal, the information is then verified and, if successful, the terminal is permitted access to central billing server. Thus, the credit card identification information has to be stored in order by the RADIUS server in order for it to verify the information).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Awano (2001/0013018 A1) discloses a card settlement system where a prepaid card is issued by using a debit card having a money withdrawal function at ATM installed in a settlement bank.

Ishiguro (5,446,796 and 5,502,765) disclose a method and apparatus for settlement of accounts by IC cards.

Knox (2002/0179401 A1) discloses multiple denomination currency receiving and prepaid card dispensing method and apparatus.

Risafi (6,473,500 B1 and 7,252,226 B2) disclose system and method for using a prepaid card.

Sunahara (5,602,375) disclose an automated debiting system and method suitable for free lane traveling.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Virpi H. Kanervo whose telephone number is (571) 272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER